

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONALD V. BROOKS, V-81911,)	
)	
Petitioner,)	No. C 10-5388 CRB (PR)
)	
vs.)	ORDER TO SHOW CAUSE
)	
RICK HILL, Warden,)	(Docket # 3)
)	
Respondent.)	
_____)	

Petitioner, a state prisoner incarcerated at Folsom State Prison, has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a conviction from San Mateo County Superior Court. He also seeks to proceed in forma pauperis under 28 U.S.C. § 1915.

BACKGROUND

Petitioner was convicted by a jury of two counts of robbery and one count of burglary. The jury also found true allegations that petitioner used a gun in the commission of these crimes. On May 27, 2005, petitioner was sentenced to 14 years in state prison.

1 cognizable under § 2254 and merit an answer from respondent. See Zichko v.
2 Idaho, 247 F.3d 1015, 1020 (9th Cir. 2001) (federal courts must construe pro se
3 petitions for writs of habeas corpus liberally).

4 **CONCLUSION**

5 For the foregoing reasons and for good cause shown,

6 1. Petitioner's request to proceed in forma pauperis (docket # 3) is
7 GRANTED.

8 2. The clerk shall serve a copy of this order and the petition and all
9 attachments thereto on respondent and respondent's attorney, the Attorney
10 General of the State of California. The clerk also shall serve a copy of this order
11 on petitioner.

12 3. Respondent shall file with the court and serve on petitioner, within
13 60 days of the issuance of this order, an answer conforming in all respects to Rule
14 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of
15 habeas corpus should not be granted. Respondent shall file with the answer and
16 serve on petitioner a copy of all portions of the state trial record that have been
17 transcribed previously and that are relevant to a determination of the issues
18 presented by the petition.

19 If petitioner wishes to respond to the answer, he shall do so by filing a
20 traverse with the court and serving it on respondent within 30 days of his receipt
21 of the answer.

22 4. Respondent may file a motion to dismiss on procedural grounds in
23 lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the
24 Rules Governing Section 2254 Cases. If respondent files such a motion,
25 petitioner shall file with the court and serve on respondent an opposition or
26 statement of non-opposition within 30 days of receipt of the motion, and
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28

1 respondent shall file with the court and serve on petitioner a reply within 15 days
2 of receipt of any opposition.

3 5. Petitioner is reminded that all communications with the court must
4 be served on respondent by mailing a true copy of the document to respondent's
5 counsel. Petitioner must also keep the court and all parties informed of any
6 change of address.

7 SO ORDERED.

8 DATED: Feb. 14, 2011



CHARLES R. BREYER
United States District Judge